



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, March 27, 2012, 2:00 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Support of S.B. 3039, SD1, HD1

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 3039, SD1, HD1.

Health care providers should not be able to use religion to discriminate against patients who do not share their beliefs by denying them adequate medical care. Although HIV may no longer be a death sentence, a health care provider's refusal to provide an organ transplant might be. This just and compassionate bill will save lives and end what may be the most egregious example of discrimination against those living with HIV.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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Committee on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

*****Bill No: SB 3039 SD1 HD1**

Place: State Capitol Room 325

Date and Time: Tuesday, March 27, 2012 @ 9:00 AM

*****In STRONG SUPPORT of : SB 3039 SD1 HD1**

*****Testifier: Lila G. Rattner**

*****On Behalf of: Myself**

Aloha Representative Gilbert S.C. Keith-Agaran, Chair Representative Karl Rhoads, V. Chair and Judiciary Committee Members,

Thank you for allowing me to testify. Having a husband who received a Kidney Transplant in 2004, I am aware of the procedures required to obtain one. I realize that the process can be complicated however the facts are that HIV+ patients have been turned down for transplants ever since transplants were first done in Hawai'i. The transplant teams have ignored HIV+ patients because of misinformation and have sent them away to the mainland instead of doing their ethical obligation and transplanting them when necessary.

Lives are being lost, and suffering continues for the HIV+ patient. It is wrong to choose who will live and who will die. Only the Lord has that right.

Medical Facilities on the mainland have been doing surgery on HIV patients for 16 years quite successfully. Patients have a higher rate of recovery than non-HIV patients do. Twenty One Hospitals report of their success.

Please adopt this Bill and put an end to this obvious prejudicial attitude and let start saving lives by having the first ever transplants for HIV patients in Hawaii.

*****Consider amending the present draft as an insertion to Senate Draft 1. Also,**

please consider two effective dates. One, to reflect passing upon approval, and the other, to reflect a specific date upon the final review of the Department of Health's report and vote, by the 2013 Legislature.

Aloha and Mahalo,

Lila G. Rattner

91-211 Maka'ina Place

Ewa Beach, Hawaii 96706

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Lilasol47@aol.com

Committee on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Bill No: SB 3039 SD1 HD1

Place: State Capitol Room 325

Date and Time: Tuesday, March 27, 2012 @ 9:00 AM

Testimony in Strong Support!

Testifier: Sol Rattner

On Behalf of: Myself

Aloha Representative Gilbert S.C. Keith-Agaran, Chair Representative Karl Rhoads, V. Chair and Judiciary Committee Members,

Thank you for allowing me to testify on this important Bill. I am a former dialysis patient as well as a Kidney Transplant Recipient. I was blessed with the Gift of Life, here on Oahu, on March 24, 2004.

People try to dictate to others how to live their lives and under a decree that they can or cannot get medical help. The HIV+ patient does not qualify for transplants because of their medical condition. Who dictates these orders? Some are medical professionals and facilities or People in high places, such as The Department Of Health or some Religious Not for Profit?

What makes one person's life who is HIV-, more important than a HIV+ patient does? When having no representation to the process of allowing a now routine transplant procedure to occur and being turned away even though all of their medical physicians recommend surgery is nothing short of prejudice. We are a wonderful and compassionate State, yet we have never ever had a transplant preformed in the State of Hawaii for any HIV+ patient.

There are transplants being done for HIV+ Recipient patients in 21 centers for the past 16 years with a recovery rate greater than the normal HIV- Recipient patients are. Hawaii forces HIV patients to go to the mainland to receive life saving transplants. This Bill would stop the unethical practice of forcing patients to spend a fortune in travel and lodging expenses including hotels & Food, to acquire the Vital Organs they need to live.

Physicians stop referring HIV patients to the transplant team in Hawaii but instead only refer them to the mainland because it is known, that they would be denied to be placed on a transplant list. This decision is made, by the past, and present surgical transplant team now located at Queens Medical Center.

Mahalo and Aloha,

Sol Rattner

91-211 Maka'ina Place

Ewa Beach, Hawaii 96706

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Testimony for SB3039 on 3/27/2012 2:00:00 PM

Testimony for SB3039 on 3/27/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 25, 2012 8:07 AM

To: JUDtestimony

Cc: kenakinaka@aol.com

Testimony for JUD 3/27/2012 2:00:00 PM SB3039

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Ken Akinaka, MRA

Organization: Individual

E-mail: kenakinaka@aol.com

Submitted on: 3/25/2012

Comments:

HIGHLY SUPPORT THIS BILL THAT CAN BRING THE GIFT OF LIFE TO PEOPLE IN HIV WHO HAVE HIV THAT NEED LIVER TRANSPLANTS DUE TO LIVER DISEASE.

HI HAS THE HIGHEST RATE OF LIVER CANCER IN THE USA. SOME PEOPLE WITH HIV WILL NEED TRANSPLANTS AND CANNOT LEAVE HI TO GET ONE. THE NEW HIV MEDS. PERMIT MANY OF THEM TO LIVE FULL AND LONG LIVES IF THEY CAN GET TRANSPLANTS IN HI IF THEY NEED ONE.

DISCRIMINATION SHOULD NOT BE ALLOWED IN MEDICINE. OTHER AREAS HAVE FOUND THAT THEY CAN SUCCESSFUL TRANSPLANT ORGANS IN PEOPLE THAT HAVE HIV.

PLEASE SUPPORT THIS BILL!

Testimony for SB3039 on 3/27/2012 2:00:00 PM

Testimony for SB3039 on 3/27/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 3:23 PM

To: JUDtestimony

Cc: joyamarshall2003@yahoo.com

Testimony for JUD 3/27/2012 2:00:00 PM SB3039

Conference room: 325

Testifier position:

Testifier will be present: No

Submitted by: Joy Marshall, RN

Organization: Individual

E-mail: joyamarshall2003@yahoo.com

Submitted on: 3/26/2012

Comments:

I support reasonable access to health care for all individuals, regardless of age, sex, religion, or infectious status if it is reasonable to make life comfortable

Committee on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

*****Bill No: SB 3039 SD1 HD1**

Testimony in Strong Support submitted 3/26/12. This attachments sensible, time sensitive Amendment as this reality is affecting a whole Community in Hawai`i!

Place: State Capitol Room 325

Date and Time: Tuesday, March 27, 2012 @ 9:00 AM

Testifier: Joseph B. Rattner O.D., MPH, Csac

*****Will be Present at Hearing**

*****Myself, as well as all HIV+ Patients in HI, in need of a Transplant of any kind!**

*****Founder & CEO: West O`ahu Hope For A Cure Foundation, Inc. (Since 2004)**

Aloha Representative Gilbert S.C. Keith-Agaran, Chair Representative Karl Rhoads, V. Chair and Judiciary Committee Members

PLEASE CONSIDER THIS AMENDMENT

PLEASE, IF THERE IS A DISAGREEMENT BETWEEN LEGISLATORS IN REFERENCE TO THIS AMENDMENT, PLEASE PASS THE BILL AS IS, SO THE CONFERENCE COMMITTEE BECOMES THE BILL'S LAST STOP BEFORE GOING TO THE GOVERNOR'S DESK FOR SIGNATURE. TOO MANY LIVES

**HAVE BEEN TAKEN TOO EARLY DUE TO THIS WRONGFULLY
PERPETUATED BEHAVIOR THAT I PRAY OUR KEIKI LEARN IS WRONG.**

Reason: So that the language of SB 3039 HD2, CD1, reflects both of the Bills's intents, by providing Language beginning by reflecting the Original intent of SB 3039 SD1. That Sections 1 and 2 of Senate Draft 1, become the beginning part of House Draft 1, Sections 3 and Section 4 consecutively, merging these two both imperatively warranted and needed pieces of Legislation.

Section 5 about Statutory Material should remain as is and inserted as Section 5 with Sections 6 & 7, which relates to when this Measure will take effect.

My recommendation is having Sections 1-3 take effect 1 month after the DOH's submission of their report as directed in Sections 3 and 4, and upon review and disapproval of such DOH's Report by the 2013 Legislature, that Sections 3 and 4 should not only take effect upon approval, but by the efficacy of DOH's Report, with amount of zero Patients that were HIV+ and received a Transplant since 2009 or ever, that the Original Intent of SB 3039, SD1 HD2, CD1, shall take effect forty five (45) days after the beginning of the 2013 Legislative Session, beginning a truly "New Day" in Hawai'i in our world of Anatomical Transplants.

take effect upon approval and that Bill be merged with Senate Draft 1, which in respect to all that are on Dialysis, HIV+ and can't even ask for a Transplant or that Civil Liberty given Second Chance as if Hivers' are to be judged & punished, while they suffer, till their untimely death, because it has been happening since the opening of the original Transplant Institute @ St. Francis. be TAKE EFFECT 45 (Forty Five) days after the beginning of the 2013 Legislature, once DOH's Report has been carefully Reviewed & the Legislature IS THEN NOT SATISFIED with the Report or HIV+ Patients destiny outcome, Resulting this Measure taking effect upon Approval and 45 Days after the beginning of the 2013 Session, upon a Majority of aye votes set forth by both the Senate and the House.

If the Committees opinion differs & decide they are undecided, I employ all of you to please PASS THE BILL AS IS, (maybe a technical amendments, for instance the 45th day after the beginning of next Session, should be when the fully, original and subsequent intents & drafts of this language at worst, would remain completely AS IS, as opposed to making a HD2, prior to Conference, letting the Conference Committee Members, decide the Final CD1!

PLEASE, don't hold up the Measure, even if my Amendment is not requested. So, if it must PASS AS IS, changing the effective date to 2/27/2013, or in an Amended form post it's Conference Committee, with a similar effective date!

It also seems that 8 months is an awfully long time for the DOH to count to zero and send you the amount of Positives +'s in our Name Reporting System & then asking them to consider by Geographic's, how many +'s have received a Transplant of any kind as a Recipient. Mahalo